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For Immediate Release

Commission releases study on racial fairness in Jefferson Circuit Court

FRANKFORT, Ky., July 19, 2005 — A four-year effort to examine claims of racial bias in Jefferson Circuit Court culminated today in the release of a report commissioned to examine the issue.

"This study has served as a forceful reminder to all judges to continually examine their own consciences to guard against allowing race to influence any sentencing decision," said Chief Justice Joseph E. Lambert. "This report on racial fairness in sentencing will be on the agenda this fall at the educational conferences for all Kentucky district and circuit court judges."

The reporting process began in 2001 when Chief Justice Lambert appointed a Commission on Racial Fairness to study whether Jefferson Circuit Court judges were making sentencing decisions based on race. Court of Appeals Judge William E. McAnulty, a former district and circuit court judge whose current appellate court district is comprised of Jefferson County, was chosen to chair the commission.

After the commission had met on several occasions and compiled comments from citizens, its members determined that it would be desirable to obtain an objective, research-based study on claims of racially disparate sentencing in Jefferson County. The commission engaged the services of Dr. Steven C. Bourassa, professor of Urban Studies for the University of Louisville School of Urban and Public Affairs, to produce the report.

Dr. Bourassa formulated a study model, examined the data and presented the commission with an initial report in 2003. After reviewing the initial study, the commission asked Dr. Bourassa to conduct further research to ensure the validity of his findings. In the final version of his report submitted in September 2004, Dr. Bourassa appeared to conclude that there existed some instances of racial disparity in sentencing while also explaining that the disparities could be attributed to other factors, such as economic circumstances.

The Commission on Racial Fairness decided it would be appropriate to also obtain a peer review of Dr. Bourassa's report. The commission engaged the services of Brian Ostrom, Ph.D., senior research associate for the National Center for State Courts. In his peer review analysis dated July 8, 2005, Dr. Ostrom was generally complimentary of Dr. Bourassa's work while expressing concerns about the inadequacy of the data used and the breadth of the study. (Attached are copies of the Sept. 30, 2004, racial fairness report by Dr. Bourassa and the July 8, 2005, peer review analysis by Dr. Ostrom.)

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Effective July 20, the Jefferson County Commission on Racial Fairness (see list below) will continue in its work with Circuit Judge Denise Clayton serving as chair, according to Judge McAnulty. "I appreciate the Chief Justice appointing me to begin this important undertaking," said Judge McAnulty. "Judge Clayton is an excellent choice to carry on as chair. She and the commission members will develop the future agenda and determine what steps need to be taken to ensure that the commission will accomplish its initial goals."

Since beginning his tenure as chief justice in 1998, Chief Justice Lambert has sought to better serve the needs of all citizens coming before Kentucky courts. Among the initiatives carried out under his administration are the creation of the Kentucky Legal Education Opportunity (KLEO) program, which offers scholarships so that historically underserved students can attend Kentucky law schools; establishment of a Court Interpreting Services Division within the Administrative Office of the Courts (AOC) and new rules to govern the quality of interpreters; expansion of Family Court, Drug Court, the Mediation Program and the Pretrial Diversion Program; modification of the way juries are selected, public education about the jury process and an upgrade in juror pay; enhanced judicial training on cultural diversity; and creation of the Office of Minority Affairs of the Kentucky Court of Justice.

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Jefferson County Commission on Racial Fairness

Denise Clayton, circuit judge, Jefferson County; commission chair
Glenda Bradshaw, attorney, Jefferson County Attorney's Office
Rev. Louis Coleman, Justice Resource Center
Patricia Walker Fitzgerald, family court judge, Jefferson County
Richard Fitzgerald, attorney, Louisville
Dan Goyette, executive director, Louisville Metro Public Defender's Office
John V. Hanley, attorney, Louisville
Frank Jewell, attorney, Louisville
Rev. Alex Moses, Eastern Star Baptist Church, Louisville
Nicole Pang, attorney, Louisville
William P. Ryan Jr., district judge, Jefferson County
Benjamin Shobe, retired Kentucky judge
David Stengel, commonwealth's attorney, Jefferson County
Olu Stevens, attorney, Louisville
David Tandy, attorney, Louisville
Beverly L. Watts, Commission on Human Rights
Thomas B. Wine, circuit judge, Jefferson County